

Notice of Allowability

Application No.

10/642,566

Applicant(s)

STAMPS ET AL.

Examiner

Art Unit

Sean P. Shechtman

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/05.
2. ☒ The allowed claim(s) is/are 39-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1/5/06</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Claims 39-63 are presented for examination. Claims 1-38 have been cancelled. Claims 39, 43, 44, 46-51, 54, 56, and 58-61 have been amended. Claims 62 and 63 have been added.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Grant Kang on January 5, 2006.

The application has been amended as follows:

The claims have been amended as follows:

Referring to claim 40, line 7, -- feed -- has been inserted, replacing "feeder".

Referring to claim 58, line 3, -- a -- has been inserted, replacing "said".

Priority

3. Objections withdrawn in light of the amendment filed December 20th 2005.

Claim Objections

4. Objections withdrawn in light of the amendment filed December 20th 2005.

Claim Rejections - 35 USC § 112

5. Applicant clarified that there is a variation in wire length due to a natural variation in bale dimension. In light of the interview, the rejection of claim 47, regarding the term "about", has been withdrawn.

Claim Rejections - 35 USC § 102

6. Rejections withdrawn in light of the amendment filed December 20th 2005.

Claim Rejections - 35 USC § 103

7. Rejections withdrawn in light of the amendment filed December 20th 2005.

Allowable Subject Matter

8. Claims 39-63 are allowed.

The following is an examiner's statement of reasons for allowance:

While Saylor teaches reverse tensioning of the wire loop is effected by reversing the drive wheel in accordance with a control signal generated by a limit switch supplied to the motor of the drive wheel after the wire is fed around the bale.

And, Munro teaches the use of limit switches to measure distances and control stoppage of components.

Neither Saylor nor Munro, taken either alone or in obvious combination disclose a data structure embodied in a machine readable storage medium controlling a bulk material baler having all the claimed features of applicant's instant invention, specifically including: an instruction to an electro-servo motor of a bale wire feed drive to feed a predetermined length of bale wire into a guide track loop when said movable guide track loop section support strut assembly reaches a closed position, wherein said predetermined length of bale wire is determined by a number of rotations of a drive shaft of said electro-servo motor of said bale wire feed drive. Also, there is no motivation to combine Saylor and Munro to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

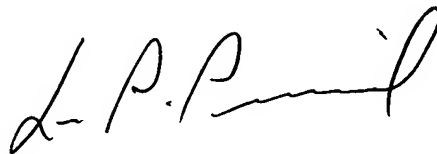
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

December 30, 2005



**LEO PICARD
SUPERVISORY PATENT EXAMINER
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